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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,619	03/08/2001	Daniel B. Scott	CA920000018US1	8302

7590 05/20/2004  
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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/801,619

Applicant(s)

SCOTT, DANIEL B. S

Examiner

Trent J Roche

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-7 have been examined.

#### *Oath/Declaration*

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. These claims are omnibus type claims.

For purposes of examination, line 3 of claim 1 will be interpreted to read “interfaces, the computer system development tool comprising a source...”

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5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 3 recites the limitation "the source code logic blocks" in line 3. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination this will be interpreted to read "the source code in the conditional statement section."

### *Claim Rejections - 35 USC § 101*

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The invention as disclosed in claims 1-5 is directed to non-statutory subject matter. The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and **tangible** result." (State Street Bank & Trust Co. v. Signature Financial Group Inc., 149 F.3d at 1373, 47 USPQ2d at 1601-02.)

Specifically, the claims are directed to a computer system development tool for managing interoperability of applications in a server and client system, the computer system development tool comprising source code sample files for enabling interoperability. The computer system development tool is a software tool for controlling and managing software applications, and as such is not necessarily tangibly embodied by hardware in a computer system. Thus, Applicants fail to disclose that the language is tangibly embodied and executed by a piece of hardware and that their functions have practical applications which produce useful, concrete, and tangible results under the State Street Formulation.

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On this basis, claims 1-5 are rejected under 35 U.S.C. § 101.

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,887,172 to Vasudevan et al, hereafter referred to as Vasudevan.

**Regarding claim 1:**

Vasudevan teaches:

- a computer system development tool for managing the interoperability of differing application program interfaces (Note at least Figure 2 and the corresponding sections of the disclosure)
- the computer system development tool comprising a source code sample file written for a first application program interface and comprising subroutines defining successful interoperation with a second application program interface (“The IDL compiler...compiles the IDL specification file to produce a client stub...,here foo\_client.c and separately a server stub..., foo\_server.c. The stubs are source code files in a target source language and provide the source code level interfaces for the client and server” in col. 6 lines 54-58)

substantially as claimed.

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**Regarding claim 2:**

The rejection of claim 1 is incorporated, and further, Vasudevan discloses a conditional statement section comprising source code reflecting the applicability of the subroutines in the subroutine section to the permutations of client application program interface and server application program interface interoperation as claimed (“the IDL compiler...generates programming language specific bindings for the interface specification. This involves mapping parsed interface definitions to the specific programming language and operating system constraints of the execution environment” in col. 7 lines 1-5. The conditional statement is inherently present, as the compiler must determine, via some conditional, which specific environment to build for.)

**Regarding claim 3:**

The rejection of claim 2 is incorporated, and further, Vasudevan discloses an index section comprising entries referring to the source code in the conditional statement section as claimed (“The IDL compiler...assigns each of these a unique identifier...so that the client and server and reliably exchange information about a specific procedure” in col. 8 lines 2-5)

**Regarding claim 4:**

Vasudevan teaches:

- a computer system development tool for managing the interoperability between a set of client applications and a set of server applications where each of the set of client applications, and each of the set of server applications, is written to conform to a selected one of a set of application program interfaces, the computer system development tool comprising a collection of source code sample files, each of the source code sample files

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conforming to a target one of the set of client application program interfaces (Note at least Figure 2 and the corresponding sections of the disclosure.)

- a subroutine section having subroutines exemplifying successful interoperation between the target client application program interface and each of the set of differing server application program interfaces (“The IDL compiler...compiles the IDL specification file to produce a client stub...,here foo\_client.c and separately a server stub..., foo\_server.c. The stubs are source code files in a target source language and provide the source code level interfaces for the client and server” in col. 6 lines 54-58)
- a conditional statement section comprising source code reflecting the applicability of the subroutines in the subroutine section to the permutations of client application program interface and server application program interface interoperation (“the IDL compiler...generates programming language specific bindings for the interface specification. This involves mapping parsed interface definitions to the specific programming language and operating system constraints of the execution environment” in col. 7 lines 1-5. The conditional statement is inherently present, as the compiler must determine, via some conditional, which specific environment to build for.)
- an index section comprising an index of the subroutines in the subroutine section (“The IDL compiler...assigns each of these a unique identifier...so that the client and server and reliably exchange information about a specific procedure” in col. 8 lines 2-5)

substantially as claimed.

**Regarding claim 5:**

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The rejection of claim 4 is incorporated, and further, Vasudevan discloses a set of server side source code files for interaction with the subroutines of the source code sample files to demonstrate the interoperation of the subroutines of the source code sample files with the server application program interfaces (Note at least Figure 2 and the corresponding sections of the disclosure.)

**Regarding claim 6:**

Vasudevan teaches:

- a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for use in managing the interoperability between a set of client applications and a set of server applications where each of the set of client applications, and each of the set of server applications, is written to conform to a selected one of a set of application program interfaces, said computer program product having computer readable program code comprising a collection of source code sample files, each of the source code sample files conforming to a target one of the set of client application program interfaces (Note at least Figure 2 and the corresponding sections of the disclosure. Further, the aspect of a computer usable medium is inherently present in the system of Figure 2. )
- a subroutine section having subroutines exemplifying successful interoperation between the target client application program interface and each of the set of differing server application program interfaces ("The IDL compiler...compiles the IDL specification file to produce a client stub...,here foo\_client.c and separately a server stub..., foo\_server.c. The stubs are source code files in a target source language and provide the source code level interfaces for the client and server" in col. 6 lines 54-58)



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- a conditional statement section comprising source code reflecting the applicability of the subroutines in the subroutine section to the permutations of client application program interface and server application program interface interoperation (“the IDL compiler...generates programming language specific bindings for the interface specification. This involves mapping parsed interface definitions to the specific programming language and operating system constraints of the execution environment” in col. 7 lines 1-5. The conditional statement is inherently present, as the compiler must determine, via some conditional, which specific environment to build for.)
- an index section comprising an index of the subroutines in the subroutine section (“The IDL compiler...assigns each of these a unique identifier...so that the client and server and reliably exchange information about a specific procedure” in col. 8 lines 2-5)

substantially as claimed.

#### **Regarding claim 7:**

The rejection of claim 6 is incorporated, and further, Vasudevan discloses a set of server side source code files for interaction with the subroutines of the source code sample files to demonstrate the interoperation of the subroutines of the source code sample files with the server application program interfaces (Note at least Figure 2 and the corresponding sections of the disclosure.)

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche  
Examiner  
Art Unit 2124

TJR

A handwritten signature in black ink, appearing to read 'TODD INGBERG', with a long, sweeping horizontal line extending to the right.

**TODD INGBERG  
PRIMARY EXAMINER**